IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

SERIAL NO.:	08/567,564
FILING DATE:	12/05/1995
FIRST NAMED INVENTOR:	JOHN KOLLAR
EXAMINER:	NAZARIO GONZALES, PORFIRIO
ART UNIT:	1621
ATTORNEY DOCKET NO.:	1469-1-001
CONFIRMATION NO.:	5906

Director of the USPTO,

Applicant respectfully submits this Request for Reconsideration of Patent Term Adjustment to Director of the USPTO for your informed, fair and impartial consideration.

Applicant asks that the Director rule, based on the recorded facts, for Applicants request for equality.

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Background Applicant's Actions

Essentially the entire duration of prosecuting this application, about 9 ½ years, is the result of errors by the Examiner and the BPAI and administrative shortcomings of the USPTO.

The USPTO's composite errors created delays by Examiner, by appellate review by the BPAI with further delays by

appellate review of BPAI by the United States Court of Appeals for the Federal Circuit and by Interference proceedings.

Applicant filed a patent application on December 5, 1995, along with a notice of intent to file a Request for Interference (RFI) with US Pat. No. 5,371,298.

Without Examiner and BPAI errors, this would be instantly resolvable by the RIF (Request for Interference) documents presented on March 24, 1996 to the USPTO, that contained Interference Opponent, ARCO Chemical Technology L.P., executed documents which prima facie acknowledged that Applicant did not offer for sale, nor did a R&D Agreement violate any use obligations under patent law.

Applicant requests that based upon the official USPTO record of the above the Patent Term Extension should minimally be the maximum allowed under 35 USC 154 (b)4, which is 5 years. Applicant believes that due to the compound errors of the Examiner and BPAI, justice demands the Patent Term Extension should be the full 20 year term, less the "normal" USPTO processing time.

A condensed version of the protracted delays, verifiable by the USPTO record of Application No. 08/567,564, is listed below.

Administrative Delays (3 Examiners)

Initially this application, identified as an Interference action that is due "special dispatch" was assigned to a first Examiner, who after some duration of time at the bottom of his assignments retired. The second assigned Examiner after an additional period of time at the bottom of her assignments

takes leave for her pregnancy and finally a third enduring Examiner is assigned.

Errors of Examiner and BPAI (Higher Rejects Prior)

Examiner rejects this application and on appeal to BPAI, BPAI rejects both of the Examiner's indefensible "on-sale bar rationale".

BPAI instituted "rationale materially differs(ent)" which they applied to the Celanese AGREEMENT for a new grounds for a §102(b) on-sale bar.

The United States Court of Appeals for the Federal Circuit overturns the BPAI ruling and sets a still more definitive precedent for the on-sale bar.

Respectfully submitted,

John Kollar 5-11-05

JOHN KOLLAR
8 Endfield Street
Winslow, NJ 08081
Tel. 856 740-2318

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